P.R. No. 7809/06
Presented by Shri Ravi Moshlwar
dated 23/12/06

SINGLE BENCH

(2) (4)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION (S) NO. 7272 /2006

PETITIONER Baisakhu RamS/o- Shri Rama
Aged about 59 years, R/o-
VillageDhangaon Tahsil-Lohara,
District Durg (C.G.)

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through-the Secretary,
Water resources Department
D.K.S. Bhawan, Raipur (C.G.)

2. Sub-Divisional Officer
Kharkhara, Mohdipat Canal
Project Sub-Division no.1,
Sambalpur District–Durg (C.G.)

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23/12/06
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WRIT PETITION UNDER ARTICLES 226 OF THE

CONSTITUTION OF INDIA

(25)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7272 of 2006

Petitioner Baisakhu Ram

Versus

Respondents State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anoop Majumdar, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents.

ORDER

(Passed on this 25th day of January, 2007)

1. By this petition, the petitioner, who has worked for more than 15 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as gangman. According to learned counsel for the petitioner, he attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Shri Anoop Majumdar, learned counsel appearing for the petitioner would submit that the case of the petitioner is

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squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Smt. Anju Ahuja, learned Deputy Government Advocate, does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur